

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	David E. Lowell et al.	§	Art Unit:	2191
		§		
Serial No.:	10/676,557	§		
		§	Examiner:	Qing Chen
Filed:	October 1, 2003	§		
		§		
For:	Interposing a Virtual Machine	§	Atty. Dkt. No.:	200208633-1
	Monitor and Devirtualizing	§		(HPC.0522US)
	Computer Hardware	§		

Mail Stop Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

PETITION TO WITHDRAW HOLDING OF
ABANDONMENT BASED ON FAILURE TO RECEIVE OFFICE ACTION

Dear Sir:

This is a Petition to Withdraw the Holding of Abandonment of this application in the Notice of Abandonment mailed February 8, 2008, based on failure to receive the Office Action mailed on April 17, 2007. This Petition is filed in accordance with 37 C.F.R. § 1.181 and M.P.E.P. § 711.03(c)(I)(A).

The Notice of Abandonment, dated February 8, 2008, indicated that Applicant failed to timely file a proper reply to the Office Action mailed on April 17, 2007.

As established by the attached Statement of Dan C. Hu and Declaration of Michael J. Kraft, Hewlett-Packard failed to receive the Office Action mailed on April 17, 2007.

The Power of Attorney filed in this case indicates that U.S. PTO correspondence was to be addressed to:

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, Colorado 80527-2400

Date of Deposit: <u>March 13, 2008</u>
I hereby certify that this correspondence is being electronically transmitted to the U.S. Patent Office on the date indicated above.
<u>Ginger Yount</u>
Ginger Yount

The accompanying Declaration of Michael J. Kraft, a Patent Paralegal for the Hewlett-Packard Corporate Legal Department, evidences that Hewlett-Packard maintains an electronic mail log of formal papers received from the Patent and Trademark Office addressed to the Hewlett-Packard, Intellectual Property Administration. The mail log record (Appendix A to Declaration of Michael J. Kraft) includes a record of the application number, a "base-date" which in the case of a U.S. PTO Office Action is the date mailed by the U.S. PTO, and the date of receipt by Hewlett-Packard. Appendix A to the Declaration of Michael J. Kraft is a copy of the Hewlett-Packard Legal Department mail log listing the documents with a mailing date (base-date) of April 17, 2007. There is no entry for application Serial No. 10/676,557 (the present case).

Also, Appendix B to the Declaration of Michael J. Kraft, which is the image file wrapper (individual docket report) maintained by the Hewlett-Packard Legal Department for this case, establishes that the Office Action dated April 17, 2007 was not received.

The attached documentation establishes that Hewlett-Packard maintains a docketing system that is sufficiently reliable. After a review of the electronic mail log that lists all received U.S. PTO correspondence dated April 17, 2007, and a review of the file wrapper individual docket report for this case kept by Hewlett-Packard, it has been established that the Office Action dated April 17, 2007 was not received by Hewlett-Packard.

In view of the foregoing, withdrawal of the holding of abandonment is respectfully requested, and re-mailing of a new Office Action is requested.

Respectfully submitted,

Date: _____

Mar 13, 2008



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